

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LOUIS BOY WINTERS

Petitioner,

v.

ORDER

Civil File No. 09-3312 (MJD/SRN)

SCOTT P. FISHER, Warden of
Sandstone Correctional Institution,

Respondent.

Louis Boy Winters, pro se.

Gregory G. Brooker, United States Attorney's Office, Counsel for Petitioner.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated November 24, 2009. [Docket No. 3] Petitioner Louis Boy Winters filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated November 24, 2009.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated November 24, 2009 [Docket No. 3].
2. Petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 22, 2009

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court